IFW

Docket No.: M4065.0656/P656
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Terry L. Gilton

Confirmation No. 2658

Application No.: 10/663,741

Art Unit: 2811

Filed: September 17, 2003

Examiner: Cuong Q. Nguyen

For: NON-VOLATILE MEMORY STRUCTURE

REQUEST FOR ACKNOWLEDGMENT OF INFORMATION DISCLOSURE STATEMENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully requests that the receipt and consideration of the Information Disclosure Statements filed on June 18, 2004, June 4, 2004, March 11, 2004, and December 18, 2003 be formally acknowledged at the earliest possible convenience. For convenience, attached hereto is a copy of the June 18, 2004 Information Disclosure Statement, Form PTO SB/08 and the corresponding postcard receipt with date-stamp showing the date of filing. The June 4, 2004, March 11, 2004 and December 18, 2003 PTO SB/08's (copies attached) were received back with the September 24, 2004 Quayle Office Action date-stamped, however, they are not acknowledged with the Examiner's initials.

Dated: October 1, 2004

Respectfully submitted,

By _____

Thomas J. D'Amico
Registration No.: 28,371
Christopher S. Chow
Registration No.: 46,493
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Atty Docket No.: M4065.0656/P656

Inventor: Terry L. Gilton

Application No.: 10/663,741-Conf. #2658 **Filing Date:** September 17, 2003
Title: NON-VOLATILE MEMORY STRUCTURE

Documents Filed:
Information Disclosure Statement (2 pages in duplicate), PTO SB/08 (1 page) with reference

Via: PTO DAILY RUN
Sender's Initials: TJD/CSC/cdl **Date:** June 18, 2004

cdl 6-17-04

Docket No.: M4065.0656/P656
(PATENT)

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In re Patent Application of:
Terry L. Gilton

Application No.: 10/663,741

Filed: September 17, 2003

Art Unit: 2811

For: NON-VOLATILE MEMORY STRUCTURE

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the reference listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)).

A copy of the reference listed on the PTO/SB/08 is attached.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an

admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed reference.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1073, under Order No. M4065.0656/P656. A duplicate copy of this paper is enclosed.

Dated: June 18, 2004

Respectfully submitted,

By_____

Thomas J. D'Amico
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Christopher S. Chow
Registration No.: 46,493
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Attorneys for Applicant

PTO/SB/08a/b (08-03)
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Substitute for form 1449A/B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet	1	of	1

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First Named Inventor	Terry L. Gilton
Art Unit	2811
Examiner Name	Not Yet Assigned
Attorney Docket Number	M4065.0656/P656

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number Number-Kind Code[2] (*if known*)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A	6,673,648	01/06/2004	Lowrey	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document Country Code[3]-Number[4]-Kind Code[5] (*if known*)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T[6]

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. [1] Applicant's unique citation designation number (optional). [2] See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. [3] Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [6] Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.[1]	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T[2]

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1]Applicant's unique citation designation number (optional). [2]Applicant is to place a check mark here if English language Translation is attached.

Office Action Summary	Application No.	Applicant(s)	
	10/663,741	GILTON, TERRY L.	
	Examiner	Art Unit	
	Cuong Q Nguyen	2811	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-46* is/are pending in the application.

4a) Of the above claim(s) *10-25* is/are withdrawn from consideration.

5)☒ Claim(s) *1-9 and 26-46* is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12-18-03, 03-11-04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

PTO/SB/08a/b (08-03)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 3

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Application Number	10/663,741
Filing Date	September 17, 2003
First Named Inventor	Terry L. Gilton
Art Unit	2811
Examiner Name	Not Yet Assigned
Attorney Docket Number	M4065.0656/P656

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number Number-Kind Code[2] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A	US 2004/0035401	2/2004	Ramachandran et al.	
	B	US 2003/0212724	11/2003	Ovshinsky et al.	
	C	US 2003/0048744	3/2003	Ovshinsky et al.	
	D	US 2003/0212725	11/2003	Ovshinsky et al.	
	E	US RE 37,259E	7/2001	Ovshinsky	
	F	US 3,271,591	9/1966	Ovshinsky	
	G	US 3,961,314	6/1976	Klose et al.	
	H	US 3,966,317	6/1976	Wacks et al.	
	I	US 3,983,542	11/1976	Ovshinsky	
	J	US 3,988,720	10/1976	Ovshinsky	
	K	US 4,177,474	12/1979	Ovshinsky	
	L	US 4,267,261	5/1981	Hallman et al.	
	M	US 4,597,162	7/1986	Johnson et al.	
	N	US 4,608,296	8/1986	Keem et al.	
	O	US 4,637,895	1/1987	Ovshinsky et al.	
	P	US 4,646,266	2/1987	Ovshinsky et al.	
	Q	US 4,664,939	5/1987	Ovshinsky	
	R	US 4,668,968	5/1987	Ovshinsky et al.	
	S	US 4,670,763	6/1987	Ovshinsky et al.	
	T	US 4,673,957	6/1987	Ovshinsky et al.	
	U	US 4,678,679	7/1987	Ovshinsky	
	V	US 4,696,758	9/1987	Ovshinsky et al.	
	W	US 4,698,234	10/1987	Ovshinsky et al.	
	X	US 4,710,899	12/1987	Young et al.	
	Y	US 4,728,406	3/1988	Banerjee et al.	
	Z	US 4,737,379	4/1988	Hudgens et al.	
	A1	US 4,766,471	8/1988	Ovshinsky et al.	
	B1	US 4,769,338	9/1988	Ovshinsky et al.	
	C1	US 4,775,425	10/1988	Guha et al.	
	D1	US 4,788,594	11/1988	Ovshinsky et al.	
	E1	US 4,809,044	2/1989	Pryor et al.	
	F1	US 4,818,717	4/1989	Johnson et al.	
	G1	US 4,843,443	6/1989	Ovshinsky et al.	
	H1	US 4,845,533	7/1989	Pryor et al.	
	I1	US 4,853,785	8/1989	Ovshinsky et al.	
	J1	US 4,891,330	1/1990	Guha et al.	
	K1	US 5,128,099	7/1992	Strand et al.	
	L1	US 5,159,661	10/1992	Ovshinsky et al.	
	M1	US 5,166,758	11/1992	Ovshinsky et al.	
	N1	US 5,177,567	1/1993	Klersy et al.	
	O1	US 5,296,716	3/1994	Ovshinsky et al.	
	P1	US 5,335,219	8/1994	Ovshinsky et al.	
	Q1	US 5,359,205	10/1994	Ovshinsky	
	R1	US 5,341,328	8/1994	Ovshinsky et al.	
	S1	US 5,406,509	4/1995	Ovshinsky et al.	

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Sheet 2 of 3

Complete if Known	
Application Number	10/663,741
Filing Date	September 17, 2003
First Named Inventor	Terry L. Gilton
Art Unit	2811
Examiner Name	Not Yet Assigned
Attorney Docket Number	M4065.0656/P656

	T1	US 5,414,271	5/1995	Ovshinsky et al.	
	U1	US 5,534,711	7/1996	Ovshinsky et al.	
	V1	US 5,534,712	7/1996	Ovshinsky et al.	
	W1	US 5,536,947	7/1996	Klersy et al.	
	X1	US 5,543,737	8/1996	Ovshinsky	
	Y1	US 5,591,501	1/1997	Ovshinsky et al.	
	Z1	US 5,596,522	1/1997	Ovshinsky et al.	
	A2	US 5,687,112	11/1997	Ovshinsky	
	B2	US 5,694,054	12/1997	Ovshinsky et al.	
	C2	US 5,714,768	2/1998	Ovshinsky et al.	
	D2	US 5,825,046	10/1998	Czubatyj et al.	
	E2	US 5,912,839	6/1999	Ovshinsky et al.	
	F2	US 5,933,365	8/1999	Klersy et al.	
	G2	US 6,011,757	1/2000	Ovshinsky	
	H2	US 6,087,674	7/2000	Ovshinsky et al.	
	I2	US 6,141,241	10/2000	Ovshinsky et al.	
	J2	US 6,339,544	1/2002	Chiang et al.	
	K2	US 6,404,665	6/2002	Lowery et al.	
	L2	US 6,429,064	8/2002	Wicker	
	M2	US 6,437,383	8/2002	Xu	
	N2	US 6,462,984	10/2002	Xu et al.	
	O2	US 6,480,438	11/2002	Park	
	P2	US 6,487,113	11/2002	Park et al.	
	Q2	US 6,501,111	12/2002	Lowery	
	R2	US 6,507,061	1/2003	Hudgens et al.	
	S2	US 6,511,862	1/2003	Hudgens et al.	
	T2	US 6,511,867	1/2003	Lowery et al.	
	U2	US 6,512,241	1/2003	Lai	
	V2	US 6,514,805	2/2003	Xu et al.	
	W2	US 6,531,373	3/2003	Gill et al.	
	X2	US 6,534,781	3/2003	Dennison	
	Y2	US 6,545,287	4/2003	Chiang	
	Z2	US 6,545,907	4/2003	Lowery et al.	
	A3	US 6,555,860	4/2003	Lowery et al.	
	B3	US 6,563,164	5/2003	Lowery et al.	
	C3	US 6,566,700	5/2003	Xu	
	D3	US 6,567,293	5/2003	Lowery et al.	
	E3	US 6,569,705	5/2003	Chiang et al.	
	F3	US 6,570,784	5/2003	Lowery	
	G3	US 6,576,921	6/2003	Lowery	
	H3	US 6,586,761	7/2003	Lowery	
	I3	US 6,589,714	7/2003	Maimon et al.	
	J3	US 6,590,807	7/2003	Lowery	
	K3	US 6,593,176	7/2003	Dennison	
	L3	US 6,597,009	7/2003	Wicker	
	M3	US 6,605,527	8/2003	Dennison et al.	
	N3	US 6,613,604	9/2003	Maimon et al.	
	O3	US 6,621,095	9/2003	Chiang et al.	
	P3	US 6,625,054	9/2003	Lowery et al.	
	Q3	US 6,642,102	11/2003	Xu	

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Sheet	3	of	3

Complete if Known	
Application Number	10/663,741
Filing Date	September 17, 2003
First Named Inventor	Terry L. Gilton
Art Unit	2811
Examiner Name	Not Yet Assigned
Attorney Docket Number	M4065.0656/P656

	R3	US 6,646,297	11/2003	Dennison	
	S3	US 6,649,928	11/2003	Dennison	
	T3	US 6,667,900	12/2003	Lowery et al.	
	U3	US 6,671,710	12/2003	Ovshinsky et al.	
	V3	US 6,673,700	1/2004	Dennison et al.	
	W3	US 6,674,115	1/2004	Hudgens et al.	
	X3	US 6,687,427	2/2004	Ramalingam et al.	
	Y3	US 6,690,026	2/2004	Peterson	
	Z3	US 6,696,355	2/2004	Dennison	
	A4	US 6,687,153	2/2004	Lowery	
	B4	US 6,707,712	3/2004	Lowery	
	C4	US 6,714,954	3/2004	Ovshinsky et al.	

FOREIGN PATENT DOCUMENTS

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Sheet 1 of 1

Complete if Known	
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Art Unit	2811
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	CA	YOJI KAWAMOTO et al., "Ionic Conduction in As_2S_3-Ag_2S, GeS_2-GeS_2-GeS-Ag_2S and P_2S_5-Ag_2S Glasses," Journal of Non-Crystalline Solids 20 (1976) 393-404.	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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PTO/SB/08A (10-01)
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Substitute for form 1449A/PTO

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(use as many sheets as necessary)

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Art Unit	N/A
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	AA	2002/0000666	1/3/2002	Kozicki et al.	
	AB	2002/0072188	6/13/2002	Gilton	
	AC	2002/0106849	08/08/2002	Moore	
	AH	2002/0123169	09/05/2002	Moore et al.	
	AI	2002/0123170	09/05/2002	Moore et al.	
	AJ	2002/0123248	09/05/2002	Moore et al.	
	AK	2002/0127886	09/12/2002	Moore et al.	
	AL	2002/0132417	09/09/2002	Li	
	AF	2002/0160551	10//31/2002	Harshfield	
	AG	2002/0163828	11/07/2002	Krieger et al.	
	AM	2002/0168820	11/2002	Kozicki	
	AN	2002/0168852	11/14/2002	Harshfield et al.	
	AO	2002/0190289	12/19/2002	Harshfield et al.	
	AP	2002/0190350	12/19/2002	Kozicki et al.	
	AQ	2003/0001229	01/02/2003	Moore et al.	
	AR	2003/0027416	02/06/2003	Moore	
	AS	2003/0032254	02/13/2003	Gilton	
	AT	2003/0035314	02/20/2003	Kozicki	
	AU	2003/0035315	02/20/2003	Kozicki	
	AV	2003/0038301	02/27/2003	Moore	
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First Named Inventor	Terry L. Gilton
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First Named Inventor	Terry L. Gilton
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First Named Inventor	Terry L. Gilton
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